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ABSTRACT

This examination of preemployment screening in the American public school focuses on how legislation and other factors influence the kind of screening that is conducted, what problems schools have had to deal with in carrying out the screening, and what administrative and legislative changes may be suggested. A total of 1,122 public school administrators in 18 states responded to a survey asking what forms of preemployment screening procedures are used to identify pedophiles and others who should not be allowed to work around children. School system size was a more important determinant of screening procedures than applicable state legislation or other factors, with smaller systems relying more on employment and character references than on criminal record checks. Direct questioning of references about the applicant's criminal history, sexual deviance, or other problems is seldom used. Criminal record checks are often conducted without fingerprints. Some types of applicants may not be screened at all. Evidence of problem areas is presented, along with implications for policy and for further research. (Author/SI)

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CRIMINAL RECORD CHECKS OF PUBLIC SCHOOL EMPLOYMENT APPLICANTS

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ABSTRACT

A total of 1122 public school administrators in eighteen States responded to a survey asking what forms of pre-employment screening procedures are used to identify pedophiles and others who should not be allowed to work around children. School system size was a more important determinant of screening procedures than applicable State legislation or other factors, with smaller systems relying more on employment and character references than on criminal record checks. Direct questioning of references about the applicant's criminal history, sexual deviance, or other problems is seldom used. Criminal record checks are often conducted without fingerprints. Some types of applicants may not be screened at all. Evidence of problem areas is presented, along with implications for policy and for further research.

INTRODUCTION

Every morning, millions of American parents entrust their children's well-being to the hands of strangers when they send them off to school. Yet it has been observed that we live in a society that runs criminal history checks on those who handle its money in banks, but does very little to check the background of those who work with its children.

Legislative and public policy interest in this problem has tended to focus on the danger posed by the pedophile: those with an ideological and emotional commitment to sex with children. Such persons often seek access to children through their employment. In an effort to confront this problem, a number of States have enacted legislation requiring the pre-employment screening of day-care workers, school bus drivers, or school teachers. The typical aim is to weed out those with a history of sex crimes against children. At the national level, the President's Task Force on Victims of Crime recommended legislation to make available the sexual assault, child molestation, and pornography arrest records of employees whose work brings them in regular contact with children. Model legislation proposed by the National Association of Attorneys General and the American Bar Association continued the emphasis on sex offense criminal history, while providing details for the implementation and dissemination of criminal history record information of persons whose employment or duties involve access to or control over children, or records pertaining to children. The model legislation can apply to full-time or part-time employees, contractors, volunteers, substitutes, etc. Types of employee can include teachers, daycare workers, camp counselors, and administrators or maintenance workers in such settings.

The State and model national legislation rarely consider a broader range of behaviors that might make a candidate unsuitable for work around children, such as alcoholism, mental illness, drug abuse, a history of criminality or violence, etc. It would be important to protect school children from persons posing these sorts of threat as well.

The purpose of this study was to learn what types of pre-employment screening are actually being conducted by American public school systems, how legislation and other factors influence what screening is conducted, what problems schools have had to deal with in carrying out the screening, and what administrative and legislative changes may be suggested.

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[1]Prepared as an in-house research effort at the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or polices of the U.S. Department of Justice.

SAMPLE AND METHOD

The legislation of all fifty States concerning criminal background checks for prospective elementary and secondary school employees was examined. Based on legislation in force as of July 1987, four types of State were identified: States in which such procedures were either mandatory, permitted, permitted for all employers (not just school systems), or not mentioned. A total of eighteen States were sampled with roughly one-quarter in each legislative category.[2]

Following the usage of the National Education Association and the American Association of School Administrators, school systems, by number of students in the system were placed in five categories, as follows: 25,000 or more; 10,000 to 24,999; 2,000 to 9,999; 300 to 1,999; and less than 300. An anonymous mailed survey was decided upon owing to the sensitive nature of the topic and the possibility of respondents' fears about use of the findings in litigation against identifiable systems. Because the response rate in such an anonymous mailed survey is highly problematic, if there were 40 or fewer school systems of a given size in a State, all were sampled. Above 40 systems, the randomized program of the American Association of School Administrators was used to generate 40 mailing labels for that cell.

The survey instrument was mailed to the Superintendent of the school system with a request to direct it to the person most cognizant of their pre-employment screening practices. The survey instrument was composed of 34 primarily forced-choice items; most items also allowed respondents an open-ended "other" category. The questions dealt with (a) what information was sought from applicants, (b) whether criminal record checks, prior employment checks, and other reference checks were conducted, what information was obtained and on which kinds of applicant, (c) other methods used to screen applicants, (d) what efforts were made to verify the applicant's answers, (e) what procedures were followed when negative information on applicants was developed, (f) what procedures and sources of information were considered to be most useful for identifying applicants who may be unsuitable for work around children, (g) what problems have been experienced, and (h) the location, State, and size of the respondent's school system.

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[2]The States by category were: **Mandatory:** Alabama, California, Maryland, Pennsylvania. **Permitted for schools:** Missouri, New Mexico, Oklahoma, Texas, Utah. **Permitted for all employers:** Alaska, Georgia, Kentucky, Nevada, Oregon. **No legislation:** Arkansas, Idaho, Michigan, Vermont. "Matching" of States in legislative groups by population size and region was done as well as possible.

A total of 1828 questionnaires were mailed; 1122 usable questionnaires were returned, for a 61.4% response rate. All data in this report, except for Tables One and Two, were weighted for probability of selection and for nonresponse. Since the respondents were anonymous, the extent of nonrandomness of response cannot be determined. Thus we cannot be certain that our findings accurately represent the practices of all school systems in the 18 States sampled, or in all 50 States.

Table One shows that response rates were lowest in school systems with under 300 students (44%) and over 25,000 students (57%); response rates in school systems with 300 to 24,999 students ranged from 65% to 70%. Almost 18% of the respondents were located in the city, 27% were suburban, and 55% were from outside the metropolitan area. The larger school systems were mostly city and suburban; the smaller systems were mostly outside the metropolitan area. (See Table Two.)

RESULTS

Application Process Checks

In the forms filled out by employment applicants, 21% of the school systems ask about other names used by the applicant, 16% require fingerprints, 11% require applicant to sign a waiver allowing review of his police and FBI files, and 63% require none of these. (In States where applicants must arrange for their own criminal record checks, the fingerprints and waiver would be redundant.) As part of their processing of the applicants, 27% of respondents ask about prior arrests and 34% ask about convictions or guilty pleas, while only 15% ask about pending charges and 7% about acquittals; 84% ask about reasons for leaving previous employment and 46% about revocation or denial of a teaching certificate. There are 11% who ask none of these questions. If the applicant mentions criminal charges, 78% ask what the specific charges were. Applicants for food service and custodial positions are less likely to be asked all of these questions than other applicants. The applicant's answers are in writing and signed in only 30% of the school systems in the survey; penalties for falsification are stated by 58%, with denial of employment or discharge if employed being the usual penalty, and criminal prosecution used by under 2%. An attempt to verify the applicant's answers is made by 70% of respondents;

TABLE ONE

Total School Systems in State by School System Size
Versus Number of Respondents
(Unweighted Data)

Name Of State	Number of School Systems with a Given Number of Students									
	25,000+		10,000-24,999		2,000-9,999		300-1,999		Under 300	
	Total	Respondents	Total	Respondents	Total	Respondents	Total	Respondents	Total	Respondents
Alabama	5	5	7	2	91	30	24	13	1	0
Alaska	1	0	0	1(A)	6	5	24	20	22	14
Arkansas	1	1	3	4(A)	49	34	237	23	86	12
California	41	16	106	30	278	28	380	25	306	12
Georgia	10	5	7	8(A)	109	23	58	23	3	1
Idaho	0	0	3	4(A)	26	15	59	28	28	16
Kentucky	2	2	4	2	98	23	74	23	5	2
Maryland	9	7	9	8	9	6	0	1(A)	0	0
Michigan	5	3	17	8	228	25	266	25	21	8
Missouri	3	2	15	10	82	25	303	38	148	15
Nevada	2	1	0	1(A)	6	5	6	5	3	2
New Mexico	1	0	3	2	23	19	42	24	19	13
Oklahoma	2	2	6	3	48	21	298	29	270	11
Oregon	4	0	3	2	53	22	101	28	148	26
Pennsylvania	2	2	27	7	334	40	136	26	0	0
Texas	21	15	37	21	178	26	549	35	313	19
Utah	6	3	6	6	14	10	16	8	1	1
Vermont	0	1(A)	0	2(A)	38	13	20	25(A)	1	0
TOTAL	115	65	253	121	1670	370	2593	399	1375	152
PERCENT RETURNED		57%		65%		66%		70%		44%

NOTES: (A) Discrepancies where there are more respondents than school systems could result from a misclassification of size by the respondents or the AASA.

(B) Missing observations = 15

TABLE TWO

Number and Percentage of Respondents by School System Size and Location
(Unweighted Data)

Location of School System	Size of School System										ROW TOTALS	
	25,000+		10,000-24,999		2,000-9,999		300-1,999		Under 30			
	#	%	#	%	#	%	#	%	#	%	#	%
City	36	3.3	41	3.7	67	6.1	48	4.3	4	0.4	196	17.7
Suburban	24	2.2	54	4.9	148	13.4	59	5.3	14	1.3	299	27.1
Outside the Metro Area	3	0.3	25	2.3	155	14.0	294	26.6	133	12.0	610	55.2
COLUMN TOTALS	63	5.7	120	10.9	370	33.5	401	36.3	151	13.7	1105	100.0

NOTES: (A) % = $\frac{\text{number respondents}}{1005}$

(B) Missing observations = 17

these attempts most often involve checking with character references, previous employers, or "appropriate agencies". An agency of the criminal justice system is used in 11% of the verifications; the State sex offender and child abuse and neglect registries are never used.

Criminal Record Checks and Reference Checks

Slightly over half (58%) of respondents indicated that criminal record checks were conducted on their employment applicants. Those conducting criminal record checks most commonly identify the applicant by current name and social security number; fingerprints and aliases were used half as often. Police sources (local, State, FBI) were the most common sources of information in these checks; courts and sex offender or child abuse registries were seldom used. In these record checks, information on convictions is obtained in most cases, whereas information on arrests, pending charges, guilty pleas or nolo contenderes, and nonconvictions or acquittals is obtained much less often. Of those school systems conducting criminal record checks, all conduct them on applicants for permanent employment, and most on temporary or part-time and substitutes; less than half do so on volunteers or employees of contractors.

Almost all (95%) of school systems contact the applicant's previous employer(s), usually contacting more than the most recent employer. Almost all include questions about why the applicant left or was discharged. In addition to contacting the applicant's previous employers, 70% of the respondents contact other references. Character references were cited most, followed by educational sources, informal networks, other references listed by applicant, "as appropriate", and community sources.

Tables Three and Four compare criminal record checks, prior employment checks, and "other" reference checks. Table Three shows the very low percentages of school systems specifically requesting information about the applicant's history of sexual and other crimes. By contrast, 91% ask why the applicant left his previous employment or was discharged. Table Four shows that prior employment checks are most likely to be employed, and criminal record checks least likely, with "other" reference checks roughly in-between. As to type of position, teachers and administrators receive the most scrutiny, custodians and food service workers, and security, the least.

From these data it appears that substantial numbers of applicants receive no formal pre-employment check at all. Moreover, at the end of this section of the questionnaire, respondents were asked whether there were any <u>other</u> ways, in addition to those already mentioned that their school system utilized to screen employment applicants for unsuitability to work around children. No additional methods were listed except the interview process

TABLE THREE

Percentage of School Systems Requesting Specified Information About Applicant in Pre-Employment Checks (Data Weighted by Probability of Selection and Non-Response)

Type of Information Requested	TYPE OF CHECK (A)		
	Criminal Record Check	Prior Employment Check	Other Reference Check
Sex Crimes	21%	17%	9%
Other Violent Crimes	17	15	8
Property Crimes	13	14	8
Sale or Use of Drugs	17	19	10
Pornography	15	12	7
Sexual Exploitation of Children	19	18	10
Child Abuse or Neglect	18	20	10
Traffic Violation	3	--	--
Criminal Record (General)	13	4	1
Alcoholism	--(B)	21	11
Mental Illness	--	17	9
Character	--	8	8
Work Performance	--	13	5
Suitability Around Children	--	2	1
Why Left or Discharged	--	91	--
Open-Ended Questions	--	9	7
As Warranted	--	4	3
Only If Volunteered	--	1	1

NOTES: (A) % = Number saying "yes" / all respondents

(B) -- = Not asked

TABLE FOUR

Type of Screening Conducted by Type of Position: Percent
(Data Weighted for Probability of Selection and Non-Response)

TYPE OF POSITION	TYPE OF CHECK		
	Criminal Record Check	Prior Employment Check	Other Reference Checks
Teacher	28%	90%	55%
Administrator	28	88	54
Clerical	28	79	49
Security	30	51	38
Custodians, Cooks, Etc.	24	79	48
Bus Drivers	29	77	48

NOTE: (A) % = Respondents saying "yes" / All respondents

itself (4%), informal networks (3%), and educational sources (2%). (In many cases these had already been listed by the respondent in answer to a previous question.)

Factors Influencing What Screening Is Done

The clearest influence shown on Table Five is the effect of school system size on whether criminal record checks are conducted; it is even more powerful than the effect of State legislation. The largest school systems are four times more likely to report conducting criminal record checks than the smallest. (The apparent effect along the urban-rural continuum mostly reflects size; see Table Two.) There is also some evidence of substitutability of criminal record and prior employment checks, larger school systems are more likely to conduct the former and smaller systems the latter. Table Five also shows that "other" reference checks are most likely to be conducted outside the SMSA and least likely in the city.

Table Six shows that, among our respondents, larger school systems are more likely than smaller school systems to be located in States where criminal record checks are mandatory. Thus the strong size effect seen in Table Five may be artifactual. But Table Seven shows that this is not the case. Across all conditions of State legislation, larger school systems are much more likely to conduct criminal record checks than smaller systems. Even where criminal record checks are mandatory, less than half of the smallest school systems in our sample say they conduct them whereas almost all the largest school systems say they do. Table Seven also shows that in States with no legislation on the subject, criminal record checks are considerably less likely to be conducted than in States with legislation expressly mandating or permitting these checks. Note that criminal record checks are more likely to be conducted in States where they are permitted for all employers, not just for schools. Table Six gives the apparent reason; the PERMITTED: SCHOOLS row has disproportionately more of the smaller school systems that are less likely to conduct criminal record checks under any legislative condition.

Respondents were asked to list the first, second, and third most useful sources of information for identifying employment applicants who may be unsuitable for work around children. The responses were scored such that a first-place choice counted for twice a third-place choice and 1 1/2 times a second-place choice. The results are presented in Table Eight. The judged usefulness of the criminal justice system varies directly with school system size, while previous employer does the reverse, as do informal/community and education system. Thus larger school systems favor the official records of the criminal justice system, while smaller school systems favor querying persons who have knowledge of the applicant in a variety of contexts.

TABLE FIVE

Percentages of School Systems Conducting Various Types of Screening
by Size, Location and State Legislation
(Data Weighted for Probability of Selection and Nonresponse)

School System Variables		TYPES OF SCREENING				
		Criminal Record Check	Prior Employment Check	Other Reference Check	Verify Application Answers	Does All Four
SCHOOL SYSTEM SIZE	Over 25,000	92%	88%	70%	92%	53%
	10,000-24,999	81	89	60	87	36
	2,000-9,999	60	94	70	83	31
	300-1,999	36	97	73	80	21
	Under 300	23	95	70	86	17
GEOGRAPHIC LOCATION	City	65	95	63	75	28
	Suburban	58	93	69	84	29
	Non-SMSA	32	96	73	83	21
STATE LEGISLATION	Mandatory	75	89	63	83	33
	Permitted-Schools	26	97	75	83	18
	Permitted-All Employers	52	99	71	84	35
	No Legislation	20	100	74	79	15

NOTE: Percent = $\frac{\text{Number saying "yes"}}{\text{Number in stratum}}$

TABLE SIX

State Legislation vs. School System Size, in Percentages
(Data Weighted for Probability of Selection and Nonresponse)

		Size of School System					Location of School System		
		25,000	10,000-24,999	2,000-9,999	300-1,999	Under 300	City	Suburb	Outside SMSA
STATE LEGISLATION re: CRIMINAL RECORD CHECKS	MANDATORY	52%	57%	43%	21%	22%	42%	45%	20%
	PERMITTED:SCHOOLS	29	26	21	46	55	31	24	48
	PERMITTED:EMPLOYERS	13	7	16	10	13	14	10	13
	NONE	6	10	20	23	10	13	21	18

TABLE SEVEN

Percentages of School Systems, of a Given Size and State Legislation Category, Saying They Conduct Criminal Record Checks (Data Weighted for Probability of Selection and Nonresponse)

	State Legislation re: Criminal Record Checks				
Size of School Systems	**Mandatory**	**Permitted-Schools**	**Permitted-Employers**	**No Legislation**	**ROW TOTALS**
25,000+	96%	87%	100%	86%	93%
10,000-24,999	95%	78%	44%	38%	81%
2,000-9,999	88%	38%	57%	24%	60%
300-1,999	68%	27%	53%	18%	36%
Under 300	42%	12%	42%	14%	23%
COLUMN TOTALS	**75%**	**26%**	**52%**	**20%**	

TABLE EIGHT

Weighted Rankings of "Most Useful" Information Sources, by School System Size, Legislation, and Location: In Percent (Data Weighted for Probability of Selection and Nonresponse)

SCHOOL SYSTEM VARIABLES		TYPE OF INFORMATION SOURCE					
		Criminal Justice System	Previous Employer	Other References	Informal & Community Sources	Education Sources	Interview Process
SCHOOL SYSTEM SIZE	25,000+	51%	17%	14%	1%	8%	10%
	10,000-24,999	44	25	15	2	4	10
	2,000-9,999	28	32	18	5	7	10
	300-1,999	15	39	18	8	11	9
	Under 300	7	50	13	8	17	5
GEOGRAPHIC LOCATION	City	33	29	18	4	9	7
	Suburban	29	30	19	3	7	12
	Outside SMSA	13	43	15	9	12	8
STATE LEGISLATION	Mandatory	39	26	15	1	10	9
	Permitted-Schools	11	42	17	9	13	8
	Permitted-All Employers	20	37	17	8	9	10
	No Legislation	8	49	19	9	6	9

Another clear pattern is that criminal record checks are most likely to be judged useful in States where they are mandatory, and least likely in States with no legislation regarding them.

Administering Pre-Employment Screening

The total number of applicants for employment processed per year by the school systems in our sample was as follows: up to 25: 35%, 26-50: 17%, 51-100: 14%, 101-150: 9%, 151-200: 5%, 201-300: 4%, 301-500: 5%, 501-1,000: 3%, 1,000-2,000: 3%, over 2,000: 2%. Just as American school systems vary enormously in size, so does their workload of processing new employment applicants. While 35% process under 25 applicants, almost 15% process over 500 applicants.

Few of these applicants appear to present a problem in terms of any revealed indication of a criminal history, drug abuse or alcoholism, mental illness, child abuse, or other indications of unsuitability for work around children. No such cases were reported by 63% of our respondents, 1-2: 25%, 3-4: 6%, 5-6: 2%, 7-10: 1%, 11-20: 1%, over 20: 1%. These are small numbers in proportion to the large numbers of applicants being processed.

Nonetheless, 13% of the school systems reported cases in which an applicant was hired despite indications of unsuitability for work around children. And 39% reported that applicants occasionally or often start work before all information about their past history has been received and reviewed, with the larger school systems somewhat more likely to report this problem. Finally, 44% of these state that if negative information on the employee arrives after he/she has begun work, and the information is sufficient to warrant termination, discharge will involve at least some difficulty and may not be possible. So there would seem to be the potential for problems with a substantial percentage of the school systems in our sample.

Respondents were asked whether their school systems had experienced any problems with their efforts to screen employment applicants for unsuitability to work around children. No problems were reported by 33%. Administrative-type problems reported were: creates delays (22%), adds to costs of hiring (12%), some good applicants lost (8%), problems with employee groups (4%), and lawsuits by rejected applicants (2%). Problems bearing on the issue of protecting children were: criminal history information inadequate or tardy (20%), unsuitable applicants not screened out (16%), some applicants falsely labeled criminal (2%). (The problem "unsuitable applicants not screened out" was somewhat more likely to be cited by respondents from the larger school systems.) Thus two of the top three problems cited raise the possibility of persons being hired who ought not work around children.

The person responsible for evaluating whether a criminal history or other information makes an applicant unsuitable for work around children is the Superintendent in 78% of the school systems. Others mentioned were: principal (33%), personnel department (27%), department head (5%), general counsel (4%), school board (3%), and security office (1%). The totals exceed 100% because more than one choice was possible.

Respondent's Marginal Comments

Many respondents wrote explanatory remarks in the margins of the survey instrument. All such material was typed verbatim by the coders and printed out by item number and by respondent I.D. This material was reviewed carefully by both authors. While it did not lend itself to tabulation or quantitative analysis, it provides some background that is worthy of examination, though no claim can be made to its representativeness. One other source of additional information was the remarks of numerous respondents who called to discuss the survey. Some valuable insights came out of these conversations.

In their questioning of the applicant's prior employment and character references, many respondents express a preference for dialogue over the use of mailed written forms. This dialogue facilitates the use of open-ended, exploratory, and more general questions about the applicant's performance, character traits, and suitability. It also allows the questioner to listen carefully and to follow up on any indications of a problem area with further questioning. This preference for "word of mouth, what wouldn't be in writing"[3] and for "playing it by ear" appeared quite frequently among these comments.

Perhaps related to this preference for dialogue, some respondents seemed to believe that they would get more and better information about an applicant if their informant were not a complete stranger to them. The strongest statement of this--most often seen in smaller school systems outside the SMSA--was "We never hire anyone we do not know or known by people we do know." Trust seems to be involved: we can trust informants to tell us what they know, and they can trust us to use the information properly.

The threat of litigation was rarely mentioned, but for those who did it seemed to be a major concern. ("We do everything we can, but there is a lawyer on every corner.") Applicants can sue past employers over allegedly untrue and damaging letters of reference; they also can sue prospective employers who reject them on allegedly improper grounds. Parents of molested children can sue over the school system's alleged negligence in pre-employment screening processing. Finally, regulations concerning

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[3]Quotations are from respondents.

the screening process itself have some inherent conflict between the rights of applicants and the protection of children, leading to possible confusion: ("We need to know what we can and can't ask.") The recruitment process--already difficult enough--is for some further complicated by the specter of litigation.

DISCUSSION

The data in this survey are of what school systems say they are doing. We assume these self-reports are accurate, but it is possible that some school systems are doing more, or less, than the respondent was aware of at the time.

On the face of it, screening out employment applicants who are unsuited for work around children does not seem to be a problem for many of the school systems in the sample. Two-thirds of them reported no unsuitable applicants in the previous year; one-third reported no problems with this part of their pre-employment screening. On the other hand, a substantial minority reported cases where unsuitable applicants had not been screened out. Numerous others reported cases where applicants were hired despite indications of unsuitability, or where hiring took place before the screening process had been completed. Many of these respondents stated that discharging such employees if negative information arrived later would present at least some difficulty. Thus it appears that the issue of screening out undesirable is a problem for a substantial proportion of the sample. Future research could focus on ways that the criminal justice system can assist school systems to increase the timeliness and usefulness of criminal history information. For example, is it preferable to have school systems able to directly access State and Federal repositories of criminal history information rather than having to process their requests through police departments? Are some States achieving better coordination than others between the agencies and levels of government involved in criminal record checks, and if so what can be learned from their success? Other research could examine cases in which troublesome employees were not detected by the applicant screening process, with the aim of identifying the parts of that process in need of strengthening.

In criminal record checks, information is much more likely to be sought on convictions than on arrests or pending charges; these record checks are much more likely to be based on the applicant's current name and Social Security number than on his fingerprints and aliases. This approach simplifies the applicant screening task, but conducting a criminal record check without fingerprints reduces the likelihood of detecting the more serious offender that one is most concerned about.

In seeking information from the applicant, and from his previous employers and character references, respondents show heavy preference for indirect questions about why the applicant left

his last job, rather than direct questions about criminal activity, sexual deviance, or other problems. Our respondents presumably use indirect approaches to learning about the applicant's criminal involvement because they believe that direct approaches would be less productive. This is an assumption that needs to be tested by research.

A similar pattern of indirect questioning is used concerning other employee problems that present a potential threat to children, such as alcoholism, mental illness, violence, drug abuse, etc. The merit of this indirect approach should be tested. Another research question concerns the development of diagnostic tests to identify which of these marginal applicants could safely be hired, with proper supervision, and which should not be hired under any circumstances.

Applicants for certain types of job (e.g., food service, custodial, contract employees, volunteers) get screened less thoroughly, or not at all. By the criterion used in the Model Legislation ("access to or control over children"), such exclusions would not seem to be warranted.

Legislation at the State level to mandate or permit criminal record checks definitely increases the likelihood that they will be conducted. But a more powerful predictor is the size of the school system. If our data are representative, even in States where criminal record checks are mandatory, many of the smaller school systems do not conduct them. It may be that in these States, greater effort is needed to make sure all school systems are aware of their responsibilities.

Looking at how employment applicants are screened, one sees a clear polarity in the data. Smaller school systems process a small number of applicants per year,[4] and they do it in a more personalized, verbal, and informal manner, taking maximum advantage of known and trusted information sources and off-the-record revelations. Larger school systems confront much heavier application workloads and a higher proportion of total strangers among applicants and references. Their reliance is on more structured and bureaucratized procedures and written forms, including criminal record checks. There is some slight evidence in the data that larger school systems more often start employees before all their pre-employment processing has been completed, and also that they may have more difficulty detecting and rejecting unsuitable applicants. Each approach can be assumed to have its strengths and weaknesses; these could be identified by

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[4]The relationship between school system size and number of applicants processed is significant at $p<.0000$, by chi-square and Pearson's r.

research, leading to suggestions about how to compensate for them.

Administrators often have a sixth sense that something about an applicant "doesn't look right" and that more thorough investigation is warranted to settle the issue. Research along the lines of the F.B.I.'s and D.E.A's criminal profiling could try to discover a more objective basis for these intuitions. It may be that high-risk individuals display revealing patterns in, e.g., their employment history, change of address, leisure time interests, type of position being applied for, responses on psychological assessment instruments or during interviews, etc. These profiles presumably would require periodic updates, as do those for e.g., drug couriers. Such profiles would provide a valuable adjunct to criminal record checks, which often do not fully reflect the individual's past criminal activity.

Among States with legislation mandating pre-employment criminal record checks, there appeared to be differences in the percentages of school systems actually conducting such checks. Whether these differences stem from the wording of the legislation, enforcement mechanisms, or other factors, was not examined in this research, but would be a valid topic for further investigation.

An obvious question is whether the cost and effort of criminal record checks, and other screening procedures, are justified by the number of unsuitable applicants identified. The difficulty of such research is that we cannot know how many, e.g., pedophiles, never apply in the first place if a school system is known to have very stringent screening procedures. If that number is high, the procedures would give the appearance of being less valuable than they really are. Perhaps a more feasible line of research would examine what screening procedures actually were used in the cases of employees who subsequently became involved in inappropriate behavior on the job. With a large enough sample of cases and adequate documentation of screening procedures, some estimate of the productivity of different types of screening could perhaps be made.

CONCLUDING REMARKS

As they develop information on a prospective employee, administrators have many criteria to consider other than whether or not the applicant will present a threat to children. Nonetheless, there is no prima facie reason to believe that explicit investigation of the applicant's criminal or behavioral problems would somehow hamper the attempt to assess his/her overall job qualifications. Yet the study found numerous cases where these investigations were much less thorough than they could have been and--in some cases--than State law required. To

what extent children are being put at risk by these practices is not something that this study was designed to determine.

A number of topics for research were identified. Findings from such research should enable administrators and legislators to make more informed judgements about the need for--and cost/effectiveness of--various approaches to pre-employment screening. Policy in this area has too many implications for costs and civil liberties--and for the protection of children--for it to be based on less than the best information available.